

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

THE STATE OF TEXAS,

Plaintiff,

v.

RICHARD JOHN FLORANCE, JR.,

Defendant.

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CASE NO. 4:06cv510

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 22, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that State's Motion for Remand (Dkt. 12) be GRANTED. On February 6, 2008, after review of additional pleadings submitted by Florance, the Magistrate Judge entered an order affirming his recommendations. *See* Dkt. 27.

The Court has made a *de novo* review of the objections raised in "Florance's Objections to the Unauthorized Magistrate's Report and Recommendations" (Dkt. 26), "Florance's Objections to the Unauthorized Magistrate's Supplemental Report and Recommendations" (Dkt. 31), "Florance's Motion to Strike Bush's 'Order' and to Strike Local Rule CV-72 and to Strike 'Appendix B's' Rule 1(G) and Rule 2" (Dkt. 19), and "Florance's (Second) Motion to Strike Everything Signed by Bush and to Strike Local Rule CV-72 and to Strike 'Appendix B's' Rule 1(G) and Rule 2" (Dkt. 25). The Court notes that many of Florance's pleadings contain inappropriate and abusive language and do

not reflect the respect and professionalism with which both the Court and opposing counsel should be treated. Such conduct will not be tolerated and may merit sanctions or a contempt action against Florance by the Court in the near future. The Court is reviewing the file to determine if the imposition of sanctions and/or a contempt action is appropriate in this matter.

Due to the abusive nature of Florance's objections to the Magistrate Judge's report and recommendations, they are stricken from consideration. However, the Court notes that even if the Court were to consider them, Florance's legal arguments are without merit. The Court referred the pretrial matters in this cause to the Magistrate Judge, and the Magistrate Judge was authorized under statute to make the determinations and recommendations he did. *See* 28 U.S.C. § 636(b).

Therefore, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and hereby adopts the findings and conclusions of the Magistrate Judge regarding State's Motion to Remand as the findings and conclusions of this court.

It is, therefore, **ORDERED** that State's Motion for Remand (Dkt. 12) is **GRANTED** and this case is remanded to County Court at Law #2, Collin County, Texas for further proceedings.

It is further **ORDERED** that Florance shall not make any additional filings in this matter, absent approval from this Court.

IT IS SO ORDERED.

SIGNED this 26th day of March, 2008.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE